

Application No. 10/800,563
Art Unit 3635

Remarks

Claims 1-2, 5-14, 16 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Iannelli (5640809) in view of Kuhns (6161338). The difference between the present gutter cover as set forth in amended Claim 1 and the gutter covers disclosed in Iannelli and Kuhns is the presence of a plurality of apertures extending through the top portion in the gutter cover of Claim 1. Both references disclose apertures only in the front wall of the gutter cover (as the front wall is defined in Claim 1). Neither reference teaches the use of apertures in the top portion. It is respectfully submitted that it would not have been obvious to one of ordinary skill, having the Iannelli and Kuhns references in mind, to place apertures in the top portion of a gutter cover having all of the other features recited in amended Claim 1.

Claim 2 has been amended to be dependent upon Claim 16 and is patentable for at least the same reasons as Claims 16 and 1.

Claim 5 calls for the top portion of the gutter cover to have a midsection wherein the at least one longitudinally extending ridge and the plurality of apertures are disposed. Neither Iannelli nor Kuhns, either separately or in combination, disclose or render obvious a top portion of a gutter cover having an apertured midsection.

Claim 6 is dependent upon Claim 5 and is patentable for at least the same reasons as Claims 5 and 1.

Claim 7 calls for the apertures in the midsection of the top portion to be disposed in front of, behind and in between the two ridges recited in Claim 6. Neither Iannelli nor Kuhns, either separately or in combination, disclose or render obvious a top portion of a gutter cover having apertures disposed in the forgoing manner.

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Claim 8 has been amended to indicate that the splashguard extends downwardly and rearwardly a distance less than the horizontal extent of the ledge. Iannelli discloses a trough or splashguard which extends downwardly and rearwardly a distance substantially greater than the horizontal extent of its ledge. Kuhns discloses a relatively shallow, but wide trough or splashguard that extends downwardly, but not rearwardly. However, to substitute the shallowness of Kuhns' trough - but not its width or verticality - for the depth of Iannelli's trough would be an exercise in hindsight reasoning following an appreciation of the invention recited in Claim 8.

Claim 9 has been amended to specify that the splashguard extends downwardly and rearwardly 0.25-0.75 inch. Iannelli's trough extends downwardly and rearwardly a greater distance than the claimed range. Kuhns' trough may have a depth within the claimed range, but it does not extend rearwardly from the front wall. To substitute the shallowness of Kuhns' trough - but not its verticality - for the depth of Iannelli's trough would be an exercise in hindsight reasoning following an appreciation of the invention recited in Claim 9.

Claim 10 is dependent upon Claim 8 and is patentable for at least the same reasons as Claims 8 and 1.

Claim 11 calls for the horizontal ledge to be ported. Neither Iannelli nor Kuhns discloses a horizontal ledge provided with a plurality of ports.

Claim 12 has been amended to indicate that the front lip on the horizontal ledge extends generally upwardly a distance less than one-half of the horizontal extent of the ledge. Iannelli discloses a front lip that extends upwardly a distance greater than the

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horizontal extent of the ledge upon which it is mounted. Kuhns does not disclose a front lip on its horizontal ledge.

Claim 13 has been amended to indicate that the gutter lip-mounting surface is continuous with and generally vertically aligned with the horizontal ledge. Iannelli's gutter lip-mounting surface is vertically offset from its horizontal ledge, and Kuhns' gutter lip-mounting surface is separate from and extends substantially rearwardly of its horizontal ledge.

Claim 14 is dependent upon Claim 13 and is patentable for at least the same reasons as Claims 13 and 1.

Claim 16 calls for the distance between an upper end of the front wall and the generally horizontal ledge to be equal to or less than 1.5 inches. Iannelli and Kuhns disclose substantially larger front walls. The claimed dimension is believed to be a function of the ability of the present gutter cover to pass a substantial portion of the rainwater into the gutter through its upper surface. The large front walls taught by the prior art were no longer necessary. Thus, it is respectfully submitted that this size difference was not an obvious matter of procedural or routine design.

Claim 22 calls for the apertures in the top portion to be apertures is approximately 0.120 inch in diameter. Neither Iannelli nor Kuhns disclose this feature. The claimed size is believed to achieve a suitable balance between the ability of the top surface to move rainwater into the gutter while preventing leaves and other debris from getting caught on or clogging the apertures. Accordingly, it is respectfully submitted that the claimed dimension is not an obvious matter of procedural or routine design.

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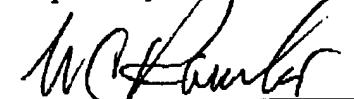
Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Iannelli and Kuhns as applied to Claim 1 and further in view of Albracht (5557891).

Claim 3 has been amended to be dependent upon Claim 16 and is patentable for at least the same reasons as Claims 16 and 1.

Claim 4 calls for at least one of the rear edge corners of the present gutter cover to be clipped. Neither Iannelli nor Albracht discloses a clipped rear edge. The rear edge shown in FIG. 1 of Iannelli is down turned, not clipped. What appears to be a clipped rear edge 22 in FIG. 13 of Albracht is actually a diverter disposed between cover sections (Col. 12, lines 8-17).

For the foregoing reasons, favorable reconsideration and allowance of claims 1-14, 16 and 22 are earnestly solicited.

Respectfully submitted,



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